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9 **UNITED STATES BANKRUPTCY COURT**
10 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

11 San Jose Division

12 In re

13 DUTCHINTS DEVELOPMENT, LLC

14 Debtors

Case No. 21-51255

Chapter 11

DATE: October 22, 2021

TIME: 10:00 a.m.

JUDGE: Honorable M. Elaine Hammond

15 **SUPPLEMENTAL DECLARATION OF MARY PAYNE IN SUPPORT OF**
16 **MOTION TO REQUIRE PERFORMANCE OR REJECTION OF LEASE**

17 I, Mary Payne, declare under penalty of perjury:

18 1. I am an adult, over the age of 18, and have personal knowledge of the matters set forth
19 herein. If called as a witness, I could and would competently testify as follows:

20 2. I am a manager of Verse Two Properties, LLC (the "Bubb Landlord"), and can testify to
21 its affairs of my own personal knowledge. The Bubb Landlord's sole asset is ownership of the real
22 property located at 10100 Bubb Road, Cupertino, California (the "Bubb Property").

23 3. In July of 2019, the Bubb Landlord leased the Bubb Property to Dutchints Development,

1 LLC ("Dutchints" or the "Debtor "). The premise of the Lease was that Dutchints would effect
2 substantial leasehold improvements through its own construction efforts. Dutchints began the
3 construction efforts, but suspended them long before completion. As a result, the Bubb Property is not
4 currently usable, and there are significant holes and openings in the roof which, if not promptly
5 remedied, will permit rainwater to enter the building during the rainy season.
6

7 4. The purpose of this Declaration is to provide the Court with pictures of the current state
8 of the Bubb Property.

9 5. As reflected in the following pictures, 5 HVAC units were removed from the roof and the
10 holes "covered" by laying plywood or fans on top. The roof consists of exposed plywood. The
11 skylights have not been secured and simply sit on top of the openings.
12





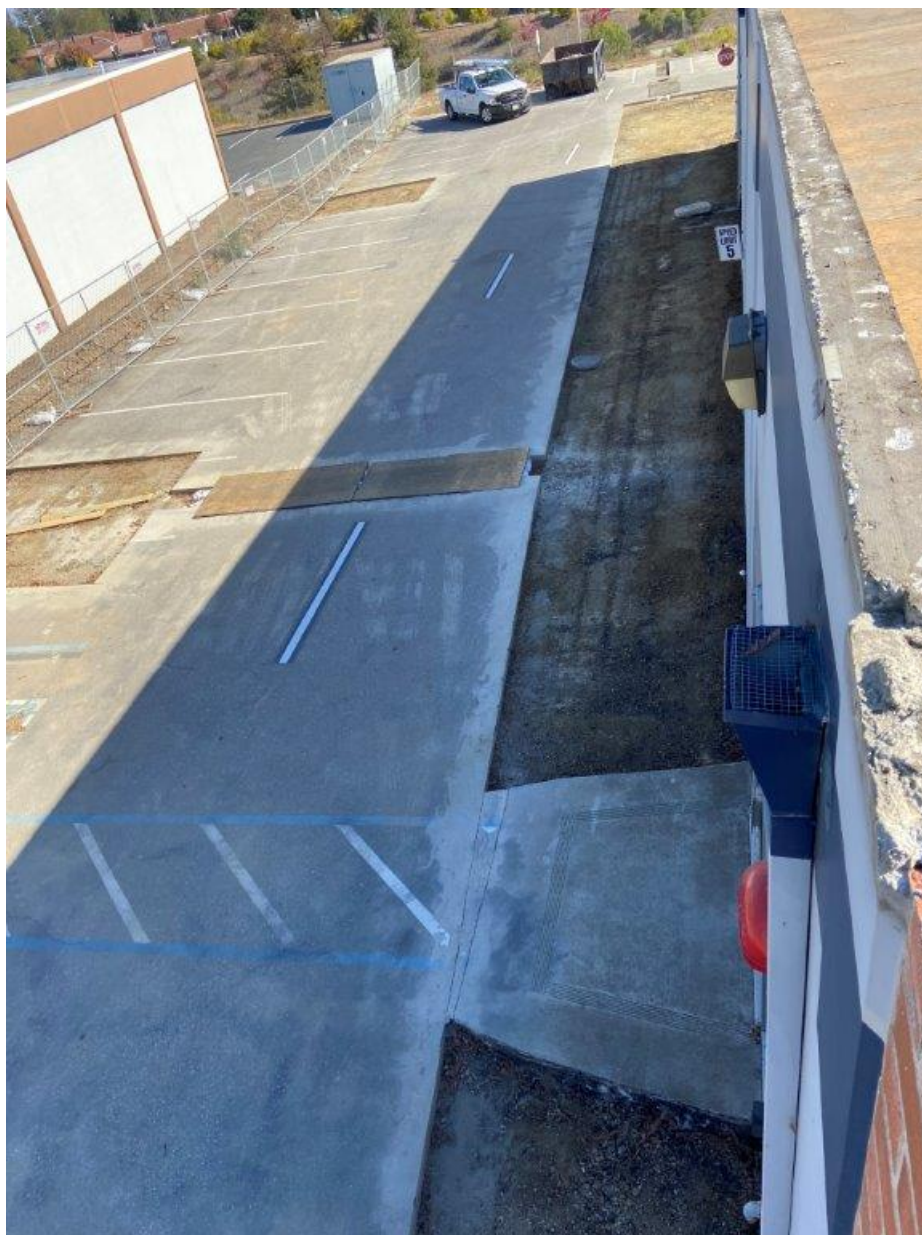


As shown below, the mansard roof parapet is entirely exposed:





Front of the Bubb Property, above.



Unusable driveway and parking lot, above.

6. As a result of Dutchints commencing and then suspending construction, the Bubb Property is presently in dire condition. Unless Dutchints will immediately re-commence construction and take urgent action to protect and preserve the Bubb Property, Dutchints should surrender the property so that the Bubb Landlord can protect it.

I declare under penalty of perjury according to the laws of the United States of America that the foregoing is true and correct and that this Declaration was executed in Boulder Colorado on October 18, 2021.

Mary Payne